

## Message Text

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ACTION EUR-25

INFO OCT-01 ADP-00 CIAE-00 PM-07 INR-10 L-03 NEA-10

NSAE-00 PA-03 RSC-01 PRS-01 USIA-12 TRSE-00 MBFR-03

SAJ-01 OC-06 CCO-00 EB-11 USPS-02 RSR-01 /097 W

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R 121755Z JUL 73

FM AMEMBASSY BRUSSELS

TO SECSTATE WASHDC 8095

SECDEF WASHDC

INFO AMEMBASSY BONN

AMEMBASSY THE HAGUE

USMISSION NATO BRUSSELS

USMISSION EC BRUSSELS

USNMR SHAPE

USDEL MC

USCINCEUR

CINCUSAFE

CINCUSAREUR

USAFPCS EUR/ME RGN RHEIN/MAIN AB, GERMANY

NATO/SHAPE SUPPORT GROUP(US), BELGIUM

HQ USAFPCS ALEXANDRIA VA/DO

C O N F I D E N T I A L SECTION 1 OF 2 BRUSSELS 3933

E.O. 11652: GDS

TAGS: MILI, MARR, BE

SUBJECT: BELGIAN CUSTOMS TO BE APPLIED TO US APO MAIL AND PARCELS

REF: A) BRUSSELS 3762, B) THE HAGUE 3060, C) USAFPCS EUR ME RGN

101147Z JUL 73

1. SUMMARY: THIS MESSAGE OFFERS INFORMATION AND EMBASSY VIEWS IN RESPONSE TO REFS B AND C IN ADDITION TO THOSE CONTAINED IN REF A, REQUESTS CERTAIN INFORMATION, AND RECOMMENDS THAT BOTH FORMAL DISCUSSIONS WITH THE BELGIANS AND A MEETING OF INTERESTED US AGENCIES BE DELAYED PENDING DEVELOPMENT OF FURTHER INFORMATION. END SUMMARY.

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2. IN AN EFFORT TO CLARIFY POINTS MADE IN REFTELS AND CONTRIBUTE TO ADDRESSEES' CONSIDERATION OF SITUATION DESCRIBED IN BRUSSELS 3762, EMBASSY SUBMITS THE FOLLOWING ADDITIONAL DATA AND VIEWS.

3. THE BELGIAN CUSTOMS DIRECTIVE OF MAY 21, 1973, DOES NOT PROMULGATE NEW REGULATIONS OR ALTERE BELGIAN POLICY WITH RESPECT TO CUSTOMS LAW. RATHER, THE DIRECTIVE SIMPLY RESTATES EXISTING REGULATIONS AND CALLS TO OUR ATTENTION AND TO THE ATTENTION OF THE DIRECTOR OF CUSTOMS AND EXCISES THE APPLICABILITY OF THOSE REGULATIONS TO FOREIGN MILITARY MAIL.

4. WE CERTAINLY GRANT THE POINT MADE BY USAFPCS THAT APO IS IN NO WAY CONNECTED WITH THE INTERNATIONAL POSTAL SYSTEM. NEVERTHELESS, WE ARE NOT INCLINED TO CHALLENGE BELGIUM'S SOVEREIGN RIGHT TO APPLY REGULATIONS GOVERNING IMPORTS AND EXPORTS BY ANY CHANNEL WHATSOEVER UNLESS THAT RIGHT HAS BEEN SPECIFICALLY SURRENDERED BY TERMS OF BELGIAN LAW OR INTERNATIONAL AGREEMENT TO WHICH BELGIUM IS A PARTY. AS BEST AS WE CAN DETERMINE FROM OUR FILES ON THE SUBJECT, WHICH GO BACK TO 1962, THE US HAS NEVER CONTESTED BELGIUM'S RIGHT TO APPLY ITS CUSTOMS LAWS TO UNOFFICIAL US MAIL ENTERING OR EXITING BELGIUM THROUGH THE APO SYSTEM.

5. FOR THE SAKE OF CONVENIENCE AND READY REFERENCE, THERE FOLLOW THE PERTINENT PROVISIONS OF INTERNATIONAL AGREEMENTS HAVING A POSSIBLE BEARING ON THE CASE.

A. THE NATO STATUS OF FORCES AGREEMENT OF 1951, WHILE CONTAINING NO SPECIFIC PROVISION ON MILITARY POSTAL FACILITIES, STATES IN ARTICLE XI.7: "IMPORTS...EFFECTED BY MEMBERS OF A FORCE OR CIVILIAN COMPONENT ARE NOT ENTITLED TO ANY EXEMPTION FROM DUTY OR OTHER CONDITIONS".

B. ARTICLE 14 OF THE BELGIUM/SHAPE AGREEMENT OF 1967 STATES: "OTHER THAN OFFICIAL MAIL SENT BY OR TO SHAPE AND ITS MEMBERS THROUGH POSTAL OR PARCEL POST CHANNELS AND THROUGH THE INTERMEDIARY OF BELGIAN AGENCIES OR THE ARMED FORCES' OWN SERVICES SHALL BE SUBJECT TO CUSTOMS CONTROL". (RE PARA 3 OF REF C, WHILE THE US APO SYSTEM IS OF COURSE NOT GOVERNED BY THE BELGIUM/SHAPE AGREEMENT, IT IS NOTED THAT US FORCES BENEFITING FROM THAT AGREEMENT DO USE THE APO SYSTEM FOR UNOFFICIAL MAIL.)

C. EMBASSY NOTE 57 OF NOVEMBER 29, 1962, AN INTEGRAL PART OF THE CONFIDENTIAL

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US/BELGIUM AGREEMENT OF APRIL 19, 1963, STATES: "MAIL SERVICE (APO): THE EMBASSY NOTES THAT OFFICIAL MAIL AND PACKAGES WILL NOT BE SUBJECT TO CUSTOMS EXAMINATION OR CONTROL BUT THAT PRIVATE MAIL AND PACKAGES MAY NOT BE EXEMPT FROM CONTROL. THE EMBASSY WILL BE PREPARED TO WORK OUT WITH THE BELGIAN AUTHORITIES PROCEDURES TO PERMIT THE HANDLING OF THE POSTAL SERVICE IN ACCORDANCE WITH THESE CRITERIA". (EMBASSY FILES INDICATE THAT SUCH PROCEDURES WERE IN FACT NEVER WORKED OUT).

6. THE AGREEMENT OF APRIL 19, 1963, EFFECTED BY AN EXCHANGE OF NOTES OF THAT DATE AND INCORPORATING UNCLASSIFIED AND CLASSIFIED ANNEXES AS WELL AS PREVIOUS EXCHANGES BETWEEN THE EMBASSY AND THE MINISTRY OF FOREIGN AFFAIRS (SEE EMBASSY A-1241 OF APRIL 20, 1963), CONCERNED ITSELF WITH US FORCES DESCRIBED AS FOLLOWS: UNITED STATES MILITARY PERSONNEL WHO WOULD EVENTUALLY BE STATIONED IN BELGIUM IN EXECUTION OF THE AGREEMENT OF MAY 17, 1962, CONCERNING THE USE OF ATOMIC ENERGY FOR THE PURPOSES OF COMMON DEFENSE AND IN EXECUTION OF ANY OTHER AGREEMENTS BETWEEN THE UNITED STATES AND BELGIAN GOVERNMENTS OF A NATURE TO INVOLVE THE PRESENCE IN BELGIUM OF UNITED STATES MILITARY PERSONNEL WITH THE CONSENT OF THE GOVERNMENT OF BELGIUM". THE REFERENCE TO "ANY OTHER AGREEMENTS" WAS IDENTIFIED IN A CLASSIFIED ANNEX TO REFER TO AGREEMENTS CONCLUDED PRIOR TO THE AGREEMENT OF MAY 17, 1962. WITH RESPECT TO STATIONING OF US FORCES SUBSEQUENT TO THE AGREEMENT OF APRIL 19, 1963, THE ANNEX STATES THAT "THE TWO GOVERNMENTS WILL CONCLUDE NEW SPECIFIC AGREEMENTS". THIS STIPULATION WOULD APPLY TO ALL MATTERS COVERED IN THE AGREEMENT OF APRIL 19, 1963, INCLUDING POSTAL SERVICES. UNDER THE CIRCUMSTANCES, IT WOULD BE AT BEST DIFFICULT TO INTERPRET THE AGREEMENT OF APRIL 19, 1963, IN SUCH A WAY AS TO COVER CURRENT APO OPERATIONS IN BELGIUM.

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R 121755Z JUL 73

FM AMEMBASSY BRUSSELS

TO SECSTATE WASHDC 8096

SECDEF WASHDC

INFO AMEMBASSY BONN

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USMISSION NATO BRUSSELS

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NATO/SHAPE SUPPORT GROUP(US) BELGIUM  
HQ USAFPCS ALEXANDRIA VIA/DO

C O N F I D E N T I A L SECTION 2 OF 2 BRUSSELS 3933

7. BEFORE CONSIDERING THE OPENING OF BILATERAL TALKS WITH THE BELGIAN GOVERNMENT WITH A VIEW TO SEEKING AUTHORITY FOR ALREADY EXISTING APO OPERATIONS, THE EMBASSY PREFERS IN COORDINATION WITH OTHER US AGENCIES IN BELGIUM TO EXPLORE INFORMALLY AT THE WORKING LEVEL (A) WHAT GENERATED THE ISSUANCE OF THE DIRECTIVE OF MAY 21, 1973, AND (B) HOW CUSTOMS OFFICIALS INTEND TO IMPLEMENT THE DIRECTIVE. AMONG THE QUESTIONS TO WHICH WE WILL BE SEEKING ANSWERS IS THE IMPORTANT ONE OF WHETHER US APO OFFICIALS WOULD IN FACT EVER HAVE TO RELINQUISH PHYSICAL CUSTODY AND CONTROL OF APO MAIL IN ORDER TO SATISFY BELGIAN REQUIREMENTS.

8. UNTIL WE HAVE ACQUIRED A BIT MORE INFORMATION HERE ON THE GROUND, WE WOULD PREFER AS WELL TO DELAY CONVENING A MEETING OF  
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INTERESTED US AGENCIES. WE EXPECT TO ADVISE ADDRESSEES FURTHER ON THIS MATTER WITHIN THE NEXT SEVERAL DAYS.

9. WHILE WE ARE PROBING THIS MATTER FURTHER HERE, WE WOULD APPRECIATE INFORMATION ON THE SITUATION OF US APOS IN OTHER NATO COUNTRIES. FOR EXAMPLE, IS SUCH MAIL SUBJECT TO CUSTOMS CONTROL? IF SO, HOW IS SUCH CONTROL EXERCISED? IF NOT, ARE THERE BILATERAL AGREEMENTS EXEMPTING APO MAIL FROM CUSTOMS CLEARANCE?

10. ADDRESSEES ARE REQUESTED TO INCLUDE ALL ADDRESSEES OF THIS MESSAGE ON FUTURE MESSAGES ON THIS SUBJECT (EMBASSY HAS REPEATED REF C TO SEVERAL AGENCIES OMITTED FROM ORIGINAL DISTRIBUTION).  
STRAUSZ-HUPE

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## Message Attributes

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